On men’s natural state

1. We must next inquire into the duties which fall to man to perform as a result of the different states in which we find him existing in social life. By 'state' [status] in general, we mean a condition in which men are understood to be set for the purpose of performing a certain class of actions. Each state also has its own distinctive laws [jura].

2. Men’s state is either natural or adventitious. Natural state may be considered, in the light of reason alone, in three ways: in relation to God the Creator; or in the relation of each individual man to himself; or in relation to other men.

3. Considered from the first point of view, the natural state of man is the condition in which he was placed by his Creator with the intention that he be an animal excelling other animals. It follows from this state that man should recognize and worship his Creator, admire His works, and lead his life in a manner utterly different from that of the animals. Hence this state is in complete contrast with the life and condition of the animals.

4. From the second point of view, we may consider the natural state of man, by an imaginative effort, as the condition man would have been in if he had been left to himself alone, without any support from other men, given the condition of human nature as we now perceive it. It would have been, it seems, more miserable than that of any beast, if we reflect on the great weakness of man as he comes into this world, when he would straight away die without help from others, and on the primitive life he would lead if he had no other resources than he owes to his own strength and intelligence. One may put it more strongly: the fact that we have been able to grow out of such weakness, the fact
that we now enjoy innumerable good things, the fact that we have cultivated our minds and bodies for our own and others' benefit— all this is the result of help from others. In this sense the natural state is opposed to life improved by human industry.

5. From the third point of view, we consider the natural state of man in terms of the relationship which men are understood to have with each other on the basis of the simple common kinship which results from similarity of nature and is antecedent to any agreement or human action by which particular obligations of one to another have arisen. In this sense men are said to live in a natural state with each other when they have no common master, when no one is subject to another and when they have no experience either of benefit or of injury from each other. In this sense the natural state is opposed to the civil state.

6. The character of the natural state, furthermore, may be considered either as it is represented by fiction or as it is in reality. It would be a fiction if we supposed that in the beginning there existed a multitude of men without any dependence on each other, as in the myth of the brothers of Cadmus,1 or if we imagined that the whole human race was so widely scattered that every man governed himself separately, and the only bond between them was likeness of nature. But the natural state which actually exists shows each man joined with a number of other men in a particular association, though having nothing in common with all the rest except the quality of being human and having no duty to them on any other ground. This is the condition [status] that now exists between different states [civitas] and between citizens of different countries [respublica], and which formerly obtained between heads of separate families.

7. Indeed it is obvious that the whole human race was never at one and the same time in the natural state. The children of our first parents, from whom the Holy Scriptures teach that all mortal men take their origin, were subject to the same paternal authority [patria potestas]. Nevertheless, the natural state emerged among certain men later. For the earliest men sought to fill the empty world and to find more ample living space for themselves and their cattle, and so left the paternal home scattering in different directions; and individual males established their own families. Their descendants dispersed in the

1 Phoenix and Cilix, eponymous ancestors of, respectively, the Phoenicians and the Cilicians.
thirst with whatever water he can find, to shelter himself from the inclincencies of the weather in caves, at the mercy of wild beasts, fearful of every chance encounter. Those who were members of scattered families may have enjoyed a somewhat more developed way of life but in no way comparable with civil life; and this is not so much because of poverty, which the family (where desires are limited) seems capable of relieving, as because it can do little to ensure security. To put the matter in a few words, in the state of nature each is protected only by his own strength; in the state by the strength of all. There no one may be sure of the fruit of his industry; here all may be. There is the reign of the passions, there there is war, fear, poverty, nastiness, solitude, barbarity, ignorance, savagery; here is the reign of reason, here there is peace, security, wealth, splendour, society, taste, knowledge, benevolence.

10. In the natural state, if one does not do for another what is due by agreement, or does him wrong, or if a dispute arises in other ways, there is no one who can by authority compel the offender to perform his part of the agreement or make restitution, as is possible in states, where one may implore the aid of a common judge. But as nature does not allow one to plunge into war on the slightest provocation, even when one is fully convinced of the justice of his cause, an attempt must first be made to settle the matter by gender means, namely, by friendly discussion between the parties and an absolute (not conditional) mutual promise or by appeal to the decision of arbitrators.

Such arbitrators must be fair to both sides and not show prejudice or favour in giving their verdict; they must look only at the merits of the case. For the same reason a man is not appointed as arbitrator in a case in which he has greater expectation of benefit or glory from the victory of one of the parties than from the other, and so has an interest in one party winning the case no matter how. So there must be no agreement or promise between the arbitrator and the parties, to oblige him to pronounce in favour of one rather than the other.

If the arbitrator cannot ascertain the state of the facts either from the common admissions of the parties or on the basis of reliable documents or of arguments and evidence that admit no doubt, the facts will have to be ascertained from statements by witnesses. Natural law, and in many cases the sanctity of an oath, constrain witnesses to tell the truth; but it would be safest not to accept as witnesses those who have such feelings about either of the parties that their conscience must struggle so to speak with friendship, hatred, vindiciveness or some other strong emotional impulse, or even with some more intimate bond; not everybody has sufficient firmness to overcome these feelings. Sometimes litigation may be avoided by the mediation of mutual friends, which is rightly considered to be among the most sacred duties. But in the natural state, the individual is responsible for execution of the judgement, when one party will not voluntarily render what is due.

11. Nature herself has willed that there should be a kind of kinship among men, by force of which it is wrong to harm another man and indeed right for everyone to work for the benefit of others. However, kinship usually has a rather weak force among those who live in natural liberty with each other. Consequently, we have to regard any man who is not our fellow-citizen, or with whom we live in a state of nature, not indeed as our enemy, but as a friend we cannot wholly rely on. The reason is that men not only can do each other very great harm, but do very often wish to do so for various reasons. Some are driven to injure others by their wickedness of character, or by lust for power and superfluous wealth. Others, though men of moderation, take up arms to preserve themselves and not to be forestalled by others. Many find themselves in conflict because they are competing for the same object, others through rivalry of talents. Hence in the natural state there is a lively and all but perpetual play of suspicion, distrust, eagerness to subvert the strength of others, and desire to get ahead of them or to augment one's own strength by their ruin. Therefore as a good man should be content with his own and not trouble others or covet their goods, so a cautious man who loves his own security will believe all men his friends but liable at any time to become enemies; he will keep peace with all, knowing that it may soon be exchanged for war. This is the reason why that country is considered happy which even in peace contemplates war.
bers of human and civil society, honest, intelligent and of good character. They should also put them in the way of a suitable and honest occupation, and establish and advance their fortune so far as means and opportunity allow.

12. The duty of children, on the other hand, is to honour their parents, that is, to show respect for them not only by outward signs but much more in their own inner valuation of them, as authors of their life and of so many other benefits; to obey them; to take care of them, so far as they can, especially in need or old age; to do nothing of great importance without their advice and authority; and finally to bear patiently with any fretfulness or faults they find in them.

On the duties of masters and slaves

1. After the human race had begun to multiply, and the advantage had been realized of having one's domestic affairs looked after by the service of others, the custom was early introduced of admitting slaves [*servus*] to one's household to perform the required labours. In the beginning slaves probably offered themselves of their own free will; their motive was poverty, or a sense of their own lack of intelligence. They committed their services to the master in perpetuity, stipulating for a perennial provision to themselves of food and other necessities. Subsequently, as wars everywhere became more frequent, most peoples adopted the custom that prisoners of war in return for their lives be taken into servitude together with any offspring they might subsequently have. However, many peoples have no servitude of this kind in current use, but have all their household tasks performed by wage-earners hired for a period.

2. As there are different degrees of servitude, so the power of masters and the condition of the servants vary.

A temporary wage-earner is owed an agreed wage by his master, and owes him in return an agreed service. In this contract the master has the superior standing; and so an assistant of this kind is obliged to show respect to the master in proportion to the latter's dignity; he is liable to punishment when he does his work badly or negligently, but it should not go so far as to inflict serious physical injury and much less death on the master's own authority.

3. The kind of servant who has bound himself to someone of his own

1 *Servus*: Pufendorf uses this term to cover both 'servant' and 'slave'.
free will for perpetual servitude is owed by his master food and the other necessities of life for ever. In return he has to do whatever services the master requires and faithfully account to the master for whatever profits he makes. In all this, however, the master will have a humane regard for the slave's strength and skill and will not brutally insist on labour that exceeds his strength. He is subject also to the master's correction, in the sense not only of putting an end to negligence in doing his work, but also of conforming his manners to the dignity and tranquillity of the household. However, such a slave may not be sold to another against his will because he voluntarily chose this master, not another one; and it matters to him whom he serves. If he commits a serious crime against a person outside the family, he is subject, in states, to the penalty of the civil power; where the household lives separately, he may be expelled from it. But when the crime is against a separate household itself, he may be given even the extreme penalty.

4. Slaves captured in war were usually treated quite harshly at first because something of the anger one feels towards an enemy was still felt against them, and because they had themselves made an extreme attack upon ourselves and our fortunes. However, as soon as a mutual agreement of association in the household has been made between victor and vanquished, all past enmity is deemed to be remitted. After that it is a wrong on the part of the master even in the case of a slave so acquired either to fail to provide him with the necessities of life or to be harsh to him without reason, much less to put him to death, unless he has committed a capital crime.

5. In the case of slaves who had been reduced to that condition by the violence of war, as well as those who had been bought, it was the custom that they might be transferred to whomsoever we pleased, just like our other property, and be put up for sale in the manner of merchandise; the slave's actual body was understood to belong to the master. But since humanity bids us never to forget that a slave is in any case a man, we should by no means treat him like other property, which we may use, abuse and destroy at our pleasure. And when one decides to transfer to another a slave of this kind, one should take even more pains than the slave deserves to ensure that he is not sent somewhere where he will be treated inhumanely.

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6. Finally, a point everywhere recognized: the offspring of slave parents is itself of servile status, and belongs, as a piece of property, to the owner of the mother. This practice is defended by the argument that it is reasonable that the product that issues from the body should belong to the body's owner; and because that offspring would obviously not have been born if the master had exercised the right of war against the parent; and because the parent has no means of support for her offspring except from the master's property, since she has nothing of her own. Since, therefore, the master provides maintenance for such an offspring long before he can be useful by his services, and since his subsequent services do not usually much exceed the cost of maintaining him at the time, he will not be allowed to leave his servitude against the master's will. It is however clear that since such house-born slaves enter slavery by no fault of their own, there is no excuse for treating them more harshly than the condition of perpetual wage-earners admits.

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2 Cf. the Romanist definition of ownership as 'ius utendi frueundi abutendi'.
On the impulsive cause of constituting the state

1. There seems to be hardly any amenity or advantage that cannot be secured by the duties and conditions [status] we have so far discussed. Nevertheless we must now investigate why men have not been content with those first small associations [societas], but have constituted large associations which go by the name of states [civitas]. For this is the basis from which we must derive the justification of the duties which go with men's civil state [status civilis].

2. It is not enough to say here that man is drawn to civil society [societas civilis] by nature herself, so that he cannot and will not live without it. For man is obviously an animal that loves himself and his own advantage in the highest degree. It is undoubtedly therefore necessary that in freely aspiring to civil society he has his eye on some advantage coming to himself from it. Again, man was likely to be the most miserable of animals without association [societas] with his fellows; yet his natural desires and needs could have been abundantly met by the earliest societies and by duties based on humanity or agreements. We cannot therefore infer directly from man's sociality [socialitas] that his nature tends precisely to civil society.

3. This will become clearer if we consider: (1) the human condition which results from the constitution of states; (2) the requirements for a man to be truly said to be a political animal, i.e., a good citizen; and finally, (3) the observed features of human nature which are repugnant to the character of civil society.

4. (1) In becoming a citizen, a man loses his natural liberty and subjects himself to an authority whose powers include the right of life and death. At its command he must do much he would otherwise avoid; and he must not do much that he would otherwise powerfully desire to do. Again, in most of his actions he must take into account the good of society, which often seems to conflict with the good of individuals. Yet he has a congenital tendency to want to be subject to no one, to act at his own discretion, and to set his course for his own advantage in everything.

5. (2) By a truly political animal, i.e., a good citizen, we mean one who promptly obeys the orders of those in power; one who strives with all his strength for the public good, and gladly puts his own private good second — one, in fact, who believes nothing to be good for him unless it is also good for the state; one, finally, who is well disposed to his fellow-citizens. But there are few whose natures are spontaneously attuned to this end. Most people are barely restrained by fear of punishment. Many remain bad citizens throughout their lives and not political animals.

6. (3) No animal is fiercer than man, none more savage and prone to more vices disruptive of the peace of society. For besides the desires for food and sex to which the beasts also are subject, man is driven by many vices unknown to them, such as, an insatiable craving for more than he needs, ambition (the most terrible of evils), too-likely remembrance of wrongs, and a burning desire for revenge which constantly grows in force over time; the infinite variety of his inclinations and appetites, and stubbornness in pressing his own causes. And man has such a furious pleasure in savaging his own kind that the greatest part of the evils to which the human condition is subject derives from man himself.

7. Therefore the true and principal cause why heads of households abandoned their natural liberty and had recourse to the constitution of states was to build protection around themselves against the evils that threaten man from man. For just as, after God, man may do more good for his fellow-man than anything else, so he may do most harm. And they judge rightly of the evil of men, and the remedy of that evil, who formulated the saying: ‘Without courts of law, men would devour each other.’

But after men had been brought into order by means of states, and so could be safe from injuries from each other, the natural consequence followed of a richer enjoyment of the benefits which tend to come to man from his fellows; for example, the advantage that they
are steeped from their earliest years in more suitable habits of
behaviour and discover and develop the various skills by which human
life has been improved and enriched.

8. The cause of the constitution of states will become still clearer if
we reflect that no other means would have been adequate to restrain
the evil in man.

Admittedly, natural law teaches that men should refrain from all
infliction of injuries. But respect for that law cannot guarantee a life in
natural liberty with fair security. There may indeed be men of such
good character that they would not want to wrong others even with a
guarantee of impunity; others too who would somehow repress their
desires through fear of consequent evil. However, there are also a
great many men to whom laws mean nothing in the face of an expc-
tation of profit, and who have confidence in their own strength or
cunning to repel or elude their victims' vengeance. Everyone who
loves his own security seeks to take precautions against such men, and
the most appropriate way of taking precautions is by means of states.
It is not enough that some persons should have given each other a
pledge of mutual assistance; unless there is something which unites
their judgements and firmly binds their wills to keep their pledge, it is
vain for them to expect sure help from each other.

9. Finally, though natural law gives adequate warning that those who
wrong others will not go unpunished, yet neither the fear of God nor
the sting of conscience are found to have sufficient force to restrain
the evil that is in men. For there are many who, by fault of their
upbringing and manner of life, are inattentive to the force of reason.
They pay attention only to the present with little care for the future;
and are only moved by what is before their eyes.

Divine vengeance tends to proceed at a slow pace; and this gives
opportunity to the wicked among mankind to ascribe the sufferings of
the impious to other causes, especially as they often see them
abundantly provided with those things by which the vulgar measure
happiness. There is also the fact that the stings of conscience which
precede a crime do not seem to be as strong as those which follow it,
when what has been done no longer can be undone. Truly the effec-
tive remedy for suppressing evil desires, the remedy perfectly fitted to
the nature of man, is found in states.

On the internal structure of states

1. We have next to inquire into the means by which states have been
instituted and what are their internal bonds of cohesion. In the first
place it is clear that the individual finds in other men a more useful
and effective defence against the evils that human depravity threatens
to inflict on him than in fortifications, weapons or dumb animals; and
since a man's power is of limited extent, it was necessary for him to
combine with other men to achieve that end.

2. It is equally obvious that a combination of two or three cannot
provide that kind of security against other men. For it is easy for
enough persons to conspire to overcome these few as would give them
full assurance of victory, and their expectation of success and
impunity would also give the conspirators the confidence to make the
attempt. It is therefore necessary to this end, that there be a union of
an overwhelming number of men so that the accession of a few to the
enemy would not tip the scales towards victory for the latter.

3. Among these many individuals who come together for this
purpose, there has to be a consensus on adopting means likely to
achieve it. If they do not agree among themselves, but are distracted
in their opinions and tend to different ends, they will achieve nothing,
no matter how many they are. Alternatively, there may be a temporary
agreement under the impulse of a passion, but they will soon go their
separate ways, men's minds and inclinations being as changeable as
they are. Though they may promise on the basis of agreement that
each will bring his individual strength to the common defence, yet
even this method will not provide a guarantee that the group will last.
Rather, those who have once consented to peace and mutual help for
the common good must be prohibited from dissenting thereafter, whenever their own private good seems to be in conflict with the public good.

4. There are two principal faults in human nature which prevent a number of independent [sui juris] men who are not subordinate to one another from achieving durable cooperation in a common end. One is the diversity of inclinations and judgements in deciding what is most conducive to that end. This is often found in combination with obtuseness in selecting from several options the one which is most advantageous, and a stubbornness in defending tooth and nail whatever option one has taken up. The other fault is indolence, and disinclination to do what is useful, when there is no compulsion to force them to stop procrastinating and to do their duty willy-nilly. The first fault is countered by a perpetual union of the wills of all; the second by constituting some power [potestas], which shall be directly before their eyes, capable of inflicting suffering on those who oppose the common interest.

5. The only means by which the wills of many may be united is that each submit his will to the will of one man or one assembly, in such a way that from that time on whatever that man or that assembly wills in what concerns the common security be taken as the will of all and everyone.

6. Similarly, such a power as all men may fear can only be constituted among a number of men if each and every one [omnes & singuli] obliges himself to use his force as he shall determine to whom all have resigned the direction of their forces.

Only when they have achieved a union of wills and forces is a multitude of men brought to life as a corporate body stronger than any other body, namely a state [civitas].

7. Two agreements and one decree are required for a state to form in regular fashion.

First of all, when those many men who are understood to be placed in natural liberty assemble to form a state, they agree one with another individually that they wish to enter into a single and perpetual union and to administer the means of their safety and security by common counsel and leadership; in a word, that they wish to become fellow-citizens. Each and every one must consent to this agreement; anyone who dissent remains outside the future state.

8. After this agreement there must be a decree on the form of government to be introduced. Until this is determined, no measures of public safety will be able to be effectively instituted.

9. After the decree on the form of government, a second agreement is needed, when the man or men are appointed on whom the government of the infant state is conferred. By this agreement he or they bind himself or themselves to provide for the common security and safety, and the rest bind themselves to obedience to him or them. By this agreement, too, all submit their will to his or their will and at the same time devolve on him or them the use and application of their strength to the common defence. And only when this agreement is duly put into effect does a complete and regular state come into being.

10. A state so constituted is conceived as one person [persona], and is separated and distinguished from all particular men by a unique name; and it has its own special rights and property, which no one man, no multitude of men, nor even all men together, may appropriate apart from him who holds the sovereign power or to whom the government of the state has been committed. Hence a state is defined as a composite moral person, whose will blended and combined from the agreement of many is taken as the will of all so that it may employ the forces and capacities of every individual for the common peace and security.

11. The will of the state as the principle of public actions expresses itself either through one man or through one assembly, according as supremacy has been conferred on the one or the other. When the government of the state is in the hands of one man, the state is understood to will whatever he has decided (assuming that he is sane) in anything within the purpose of a state.

12. But when the government of a state has been conferred on an assembly consisting of several men each of whom retains his own natural will, it is normal to take as the will of the state what the majority of those who compose the assembly have agreed to, unless an express arrangement has been made as to what proportion of the assembly is required to give its consent to represent the will of the whole body. When two conflicting opinions have equal weight, no action will be taken, but the matter will remain as it was. When there are several conflicting opinions, that one will prevail which gets more votes than any other, provided that so many agree in it as can represent the will of the whole body in other cases according to public law.
13. In a state so constituted, the bearer of government is called a monarch, a senate or a free people according to whether it is one man, or an assembly of a few, or an assembly of all. The rest are called subjects or citizens, taking the latter word in its wider sense. However, in a narrower sense, the word 'citizens' is often applied only to certain persons by whose union and consent the state was originally formed, or their successors, i.e., the heads of households.

Further, citizens are either native or naturalized. The former are those who either were party to the birth of the state at the beginning, or are descended from them, and are usually called indigenous. The latter are those who come from abroad into a state when it is already formed, to settle there.

Those who are living in a state only for a time, though they are subject to its government during that time, yet are not held to be citizens, but are called foreigners or residents.

14. This account of the origin of states does not imply that civil authority [imperium civile] is not rightly said to be of God. For God wills that all men practise natural law, but with the multiplication of mankind such a horrid life was likely to ensue for men that there would scarcely have been a place left for natural law. It is the institution of states which most favours the practice of natural law. And therefore (since he who commands the end is held also to command the necessary means to that end), God too, is understood to have given prior command to the human race, mediated through the dictates of reason, that when it had multiplied, states should be constituted, which are so to speak brought to life by sovereign power. In the Holy Scriptures too He expressly gives His approval to their order and assures the sanctity of that order by special laws and so demonstrates His particular concern for it.

7

On the functions of the sovereign power

1. The functions of the sovereign power [summi imperii] and the means by which its force operates in states may be clearly inferred from the nature and purpose of states.

2. In a state all have subjected their own will to the will of those in power in matters affecting the state's security, so that they are willing to do whatever the rulers wish. For this to be possible, those in power must signify to the citizens their will in such matters. They do this not only by instructions addressed to individuals on particular matters, but also by general rules, so that there may always be certainty as to what is to be done and what is not to be done. This is also the normal means by which it is determined what each must regard as his own and what as another's; what is to be taken as lawful in that state, what as unlawful; what as good, what as bad; what remains of each man's natural liberty, or how each must reconcile the enjoyment of his own rights with the tranquillity of the state; and what each man of his own right may require of another and in what manner. Clear definition of all these matters makes a vital contribution to the dignity and tranquillity of the state.

3. The over-riding purpose of states is that, by mutual cooperation and assistance, men may be safe from the losses and injuries which they may and often do inflict on each other. To obtain this from those with whom we are united in one society, it is not enough that we make agreement with each other not to inflict injuries on each other, nor

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1 [De partebus summi imperii]. 'Imperium' is translated as 'power' or 'authority' depending on context.
even that the bare will of a superior be made known to the citizens; fear of punishment is needed, and the capacity to inflict it immediately. To achieve its purpose, the penalty must be nicely judged, so that it clearly costs more to break the law than to observe it; the severity of the penalty must outweigh the pleasure or profit won or expected from wrongdoing. For men cannot help choosing the lesser of two evils. Though it is true that there are many men who are not deterred from wrongdoing by threat of punishment, still this must be taken to be exceptional — and the human condition does not allow us to rule out all exceptions.

4. Controversies often arise about the correct application of laws to particular facts, and many points arise that need to be carefully weighed when it is alleged that some particular act was illegal. Hence to maintain peace among citizens, it is a function of the sovereign power to take cognizance of the citizens' disputes and make decisions, to investigate actions of individuals denounced as illegal, and to pronounce and execute the penalty in conformity with the laws.

5. To ensure safety against outsiders of those who have united in one state, it is a function of the sovereign power to assemble, unite and arm, or alternatively to hire as many men as may seem necessary for the common defence, taking account of the uncertain number and strength of the enemy, and again, when expedient, to make peace. Alliances have uses in times of war and in times of peace, both to pool better the resources of different states and by a union of forces to repel or bring to terms a stronger enemy. It is therefore within the authority of the sovereign to enter into alliances of both kinds and oblige his subjects to observe them, and at the same time to direct to the state all the benefits flowing from them.

6. The business of a large state, whether in war or in peace, cannot be carried out by one man without ministers and magistrates. The sovereign will therefore need to appoint men who will on his behalf investigate disputes between citizens, gather intelligence of the intentions of neighbouring states, command the soldiers, collect and distribute the state's resources, and, in a word, look to the state's interest [utilitas] in every quarter. The sovereign may and should compel all of these officials to do their duty and require them to report to him.

7. The business of the state in war or peace cannot be carried on without expenses. It is the right of the sovereign power, therefore, to compel the citizens to defray these expenses. This may be done in a
On the forms of government

1. The different forms of government [respublica] arise from the vesting of sovereignty in one man or in one assembly consisting of a few or of all.

2. The forms of a state [civitas] are either regular or irregular. The form is regular where sovereignty is so concentrated in one subject that, originating in one will, it pervades all the parts and affairs of the state, undivided and unimpaired. Where this is not found, the form of the state will be irregular.

3. There are three forms of a regular state: (1) where sovereignty is in the hands of one man, which is called monarchy; (2) where sovereignty is in the hands of an assembly which consists of selected citizens only, which is called aristocracy; (3) where sovereignty is in the hands of an assembly consisting of all heads of households, which is called democracy. In the first the power-holder is called the monarch, in the second, the nobility, in the third, the people.

4. Power [potestas] is indeed the same in each of these forms. But monarchy has a marked advantage over the other forms, in that deliberation and decision, that is, the actual exercise of authority [imperium], does not require stated times and places but may occur at any place or time; consequently a monarch is always in full readiness to perform acts of authority. But for decisions to be made by the nobility or the people, neither of which is one natural person, it is necessary that they convene at a fixed time and place for deliberation and decision on public affairs. This is the only way that the will of the senate and the people can be known, since it results from the consenting voices of the majority.

5. But it is the case with sovereignty, as it is with other rights, that it is well exercised in one place, badly and imprudently in another. Consequently some states are said to be healthy, others sick and corrupt. But we do not need to invent special forms or kinds of government to cover such diseases. Some of the diseases which afflict states are in human beings, others are in the institutions themselves. Hence some are called personal faults, others institutional faults.

6. Personal faults in monarchy arise if the occupant of the throne is destitute of the arts of ruling, and feels little or no responsibility for the country and lets it be wasted by the ambition or avarice of bad ministers; if he terrorizes his subjects by his cruelty and anger; if he takes delight in imperilling his country even without necessity; if he squanders in luxury or senseless largesse what has been collected to meet the expenses of the country; if he accumulates beyond reason monies extorted from the citizens; if he is insolent, if he is unjust; and any other acts which give him the name of a bad prince.

7. Personal faults in aristocracy arise if dishonest or incompetent men make their way into the senate by bribery and underhand methods to the exclusion of their betters; if the nobility is torn by faction; if they endeavour to treat the common people as slaves, and to embezzle public wealth to increase their private fortunes.

8. Personal faults in democracy arise if incompetents and trouble-makers make a habit of upholding their opinions in a rude and violent manner; if outstanding talents which pose no danger to the country are suppressed; if laws are made and unmade lightly and in haste and one day’s decision is rejected next day without reason; if low and incompetent persons are put in charge of things.

9. Personal faults occurring in any kind of state arise if those on whom the administration of government falls perform their function negligently or badly; and if the citizens, whose only glory is obedience, resist the bridle of the laws.

10. Institutional faults arise when the laws or usages of the state are not suited to the character of the people or of the territory; or when they induce the citizens to form internal factions or to provoke the justified hatred of their neighbours; or if they render them incapable of performing the functions necessary to the preservation of the country: for example, if by the influence of the laws of the state they are inevitably reduced to unwarrantable idleness, or rendered unfit to enjoy peace; or if the fundamental laws are so devised that public business cannot be done without delay and difficulty.

11. Special names are often given to such diseased governments, so
that a faulty monarchy is called a tyranny; a faulty form of government of the few is called an oligarchy; a faulty popular form of state is called ochlocracy. Yet it is often the case that in using these terms people are not so much describing a disease of the form of government as expressing their own favour or disfavour towards the current form of government or its rulers. For often an opponent of a king or of the institution of monarchy tends to call even a legitimate and good prince a tyrant or despot, particularly when he enforces the laws strictly. Also, one who resents his exclusion from the senate, since in his own opinion he is not at all inferior to the others who are senators, calls them, in contempt and envy, an oligarchy [oligarchos], which means a certain few who although in no respect superior to others exercise power over their equals or betters in a spirit of disdain.

Finally, when men of proud spirit, who detest popular equality, see every man in a democracy exercising the right of voting on public questions, they call it ochlocracy, since in any state most of the people are plebeians. By ochlocracy they mean a political institution in which the worthless mob is in control, and no prerogative is left to outstanding men (as they think themselves).

12. An irregular form of government [respublica irregularis] is one in which we do not find that unity which is the essence of a state so completely established, not because of a disease or fault in the administration of the country, but because the irregularity of its form has been as it were legitimated by public law or custom. There are infinite ways to deviate from correctness, and so in the case of irregular forms of government one cannot define fixed and definite kinds. One can, however, clearly understand the nature of irregular forms from one or two examples. For instance, irregularity occurs in some countries where senate and people handle public business with ultimate right in both parts in such a way that neither is answerable to the other, or in a kingdom where the power of the leading men has grown so great that they are no longer the king's subjects but rather his unequal allies.

13. We speak of 'a system of states' when two or more complete states are connected by some particular bond in such a way that their combined strength may be regarded as the strength of one state. Systems arise in two principal ways: (1) by having a king in common, and (2) by alliance.

14. (1) A system emerges by means of a king in common, when
On the characteristics of civil authority

1. Every authority [imperium] by which a state [civitas] in its entirety is ruled, whatever the form of government, has the characteristic of supremacy [summa]. That is, its exercise is not dependent on a superior; it acts by its own will and judgement; its actions may not be nullified by anyone on the ground of superiority.

2. Hence it is that authority in this sense is unaccountable [anhepcautthanos], i.e. not obliged to account to any man on condition that if it should not render him a satisfactory account it would be liable for that reason to human penalty or punishment from him as from a superior.

3. Conformably with this, the sovereign authority [summa imperium] is superior to human and civil laws as such, and thus not directly bound by them. For these laws depend in their origins and duration on the sovereign authority. Hence it cannot be that it is bound by them itself, for if it were, the very same power would be superior to itself. Yet, when the sovereign has enjoined certain things on the citizens by law, whose scope extends to him too, it would be appropriate for him to conform of his own free will; this would also tend to strengthen the authority of the law.

4. Sovereign authority, finally, has also its own particular sanctity. It is therefore morally wrong for the citizens to resist its legitimate commands. But beyond this even its severity must be patiently borne by citizens in exactly the same way as good children must bear the ill temper of their parents. And even when it has threatened them with the most atrocious injuries, individuals will protect themselves by

flight or endure any injury or damage rather than draw their swords against one who remains the father of their country, however harsh he may be.

5. In monarchies and aristocracies particularly, sovereign authority occurs in absolute form [absolutum imperium]; elsewhere it occurs in limited form.

Absolute authority is said to be held by a monarch who can wield it according to his own judgement, not by following the rule of fixed, standing statutes, but as the actual condition of affairs seems to require, and who uses his own judgement in protecting the security of his country as its circumstances require.

6. But because the judgement of a single man is liable to error and his will may tend towards evil, especially where he has so much liberty, some peoples have thought it prudent to restrain the exercise of authority within fixed limits. This was done at the conferring of the kingship by binding the king to fixed laws concerning the administration of parts of his authority; and for circumstances of supreme crisis if such should arise (and this cannot be defined in advance), they determined that such matters should be handled only with the prior knowledge and consent of the people or of its deputies met in assembly, so that the king would have less opportunity to stray from his kingdom's security.

7. Finally, some differences occur between kingdoms in the manner of holding the kingship, which, one may observe, is not uniform in all kingdoms. For some kings are said to hold their kingdom as a patrimony; they may therefore at their pleasure divide, alienate or transfer it to whom they will. This is particularly the case with kings who have acquired their kingdom by force of arms, and have made their own people for themselves. But those whom the people have freely invited to be king, though they have the highest right to exercise power, yet they may not divide, alienate or transfer the kingdom at their pleasure. They are obliged to follow the fundamental law or accepted custom of the people in handing on the kingdom to their successors, and for this reason some have likened them in a certain respect to ususfructuaries.
On the ways of acquiring authority, particularly monarchical

1. Consent of subjects is required to constitute any legitimate government, but it is not always and everywhere elicited in the same way. Sometimes men are compelled by military force to consent to a conqueror's rule; sometimes citizens acquiesce of their own accord in the appointment of their prince.

2. Acquisition of authority by military force, which is usually called conquest [occupatio], occurs when a man relying upon a just cause for going to war and having been successful by force of arms and fortune reduces a people to the point that they are compelled thenceforth to submit to his authority. The legitimate title of his power is partly drawn from the fact that if he had wished as victor to take advantage of the strict rights of war, he might simply have taken the lives of the vanquished; and thus, by allowing them to get off with a lesser misfortune, he also earns a reputation for clemency. But it is also drawn from the fact that his enemy in going to war with one whom he had previously wronged, and to whom he has refused reasonable satisfaction, has placed all his fortunes on the gaming tables of Mars; he has thus already given tacit consent to whatever condition the event of war may assign him.

3. A kingdom is acquired by the free consent of a people when an election takes place by which a people (whether in process of formation or already formed) freely designates a specific man as in their opinion capable of holding power. The decision [decetnum] of the people is signified to him; he accepts; the people promise obedience; power is conferred.

4. An election in a state already formed occurring after the death of the previous king is usually preceded by an interregnum. During this time the state recedes into an imperfect form, as the citizens are then bound together only by the first contract. But a high degree of stability is provided by the love of their common country and its name, and by the fact that for most of the citizens their fortunes are settled there. These motives constrain good citizens to maintain peace with each other of their own accord and to make every effort to restore perfect government as soon as possible. The inconveniences which are apt to arise from interregna can largely be avoided, if there is a prior arrangement as to the interim centre of government during the throne's vacancy.

5. In some places a new election is held whenever a monarch dies. But in others transfer of the kingship to another is regulated by succession without the intervention of an election. The right of succession is established either by the will of the king or by the will of the people.

6. Kings who hold their kingdom as a patrimony can make arrangements about succession at their pleasure. Their arrangements will be respected like the testaments of private persons, especially when a king has founded and acquired his own kingdom. In such a case he may, if he pleases, divide the kingdom among several children, not excluding daughters. He may go further and institute as his heir an adopted or natural son or someone who has no relationship to him at all.

7. But when a king of this kind has made no specific arrangements about the succession, it is usually assumed: that he certainly did not wish the kingship to expire with himself; that in any case by common human feeling he wished it to go to his children; furthermore, that the monarchical form of government to which he gave approval by his own example should be maintained after his death and that the kingship should remain undivided, since division is associated with the splitting apart both of the kingdom and of the royal family; that among equals in degree the male is preferred to the female, the first-born to those born later; finally, that in the absence of children, the kingship devolves on the nearest blood-relative.

8. But in kingdoms which were formed in the beginning by the free will of a people, the order of succession depends originally on the will of the same people. Where a people has also conferred on the king, together with his authority, the right of appointing his successor, the
king's appointee is the successor. When this has not been done, the people is understood to have reserved this right to itself. If it has pleased the people to confer the kingship (with hereditary right) on an elected king it has either established an order of succession similar to that by simple heredity, so far as the welfare of the kingdom allows, or it has limited it in some particular way.

9. Where a people has authorized a king simply to hold the crown by hereditary right and has set no special conditions, it has expressed a will that the kingship should devolve in the same order as a private inheritance, though with some modification. For the safety of states requires that royal succession should differ from private inheritance in some such points as the following: (1) that the kingdom not be divided; (2) that succession be confined to descendants of the first king; (3) that no illegitimate or adopted children succeed, only those born according to the laws of the country; (4) that of males and females of equal rank, males be preferred to females, even when the females are senior by age; (5) that a successor acknowledge that his crown is a gift from the people, not from his predecessor.

10. Lineal succession was introduced among many peoples, because insoluble controversies could easily arise as to which member of the royal house was most closely related to the deceased, when there was a long distance from the founder of the family. Lineal succession consists of establishing what one might call a perpendicular line, of descent for each member from the founder of the reigning family, and calling persons to the throne in the order of precedence of their lines. It also requires that there be no crossing from one line to another so long as anyone survives from the first line, even if perhaps there is someone in another line who is more closely akin to the late king.

11. The most usual kinds of lineal succession are cognate and agnate. In cognate succession females are not excluded, but are placed after males in the same line; and thus recourse is had to them if there is an absence of males of superior or equal degree. Agnate succession, on the other hand, excludes females and even their male children in perpetuity.

12. Whenever a controversy arises about succession in a patrimonial kingdom, it is best to refer it to arbitrators from the royal family. If succession is determined by the will of the people, the uncertainty will be removed by a declaration of the people.

II

On the duty of sovereigns

1. A clear account of the precepts that govern the office of the sovereign may be drawn from the nature and end of states and from consideration of the functions of sovereignty.

2. The prime requirement is that those in power take pains to learn all that is relevant to a full knowledge of their office; no one can perform with credit what he has not properly learned. Hence the prince must forgo pursuits that have no bearing on his office. Pleasures, amusements and idle pastimes must be cut back, so far as they interfere with this purpose. He should admit to familiarity with himself judicious men skilled in practical affairs; he should ban from his court flatterers and triflers and those who have learned nothing but useless nonsense.

To know how to make a correct application of the general principles of prudent rule, the prince must have the most profound knowledge possible of the conditions of his own position and the character of the people subject to him. He must also particularly cultivate the virtues whose practice is most conspicuous in such large-scale administration and adapt his manners to the dignity of his great eminence.

3. This is the general rule for sovereigns: the safety of the people is the supreme law. For authority has been given them to achieve the end for which states were instituted. Princes must believe that nothing is good for them privately which is not good for the state.

4. The internal peace of the state requires that the wills of the citizens be governed and directed as the safety of the state requires. It is therefore a duty of sovereigns not only to lay down laws appropriate
to that purpose, but also to lend authority to public discipline, so that
the citizens conform to the precepts of the law not so much through
fear of punishment as by habituation. It also contributes to this end to
ensure that the pure and sincere Christian doctrine flourishes in the
state, and that the public schools teach dogmas consistent with the
purpose of states.

5. It also contributes to internal peace to have the laws written out
plain and clear in the matters that arise most often between citizens.
However, the civil laws should regulate only as much as is necessary
for the good of state and citizens. For men more often deliberate
about what they should or should not do on the basis of natural reason
than by knowledge of the law. Hence when there are more laws than
they can easily keep in memory, and things are forbidden by law
which reason does not by itself forbid, it is inevitable that men should
fall foul of the laws even without any wrong intention. Thus those in
power may cause the citizens unnecessary inconvenience, and this is
contrary to the purpose of states.

6. It is pointless to make laws if sovereigns allow them to be broken
with impunity. They therefore have a duty to see that the laws are put
into effect and to ensure that each man may obtain his right without
lengthy delays, legal evasions and harassment. They must also impose
penalties proportionate to the offence in each case and to the inten-
tion and malice of the offender. They must not grant pardons without
good cause; it is unfair and very exasperating to the citizens not to give
similar treatment, other things being equal, to similar offences.

7. Just as penalties should not be imposed except in the public inter-
est, so the public interest should govern the extent of the penalties.
In this way the citizens' sufferings will not outweigh the state's gain.
Besides, if penalties are to achieve their purpose, they should
obviously be designed to ensure that the suffering they inflict
outweighs any profit or pleasure that may result from the illegal act.

8. Men have united in states to obtain security against wrongs by
others. It is therefore a duty of sovereigns to be severe in preventing
men from wrongdoing each other precisely because continual living
together offers more frequent opportunity to do harm. Distinctions of
rank and dignity ought not to have sufficient influence to allow the
more powerful to trample at will on the humbler class. It is also
contrary to the purpose of government that citizens should avenge
with private violence what they think are wrongs done to them.

9. One prince is unable to deal directly with all the business of a large
state. He must inevitably, therefore, call in ministers to share his
responsibilities. Nevertheless, as they all derive their power from the
sovereign, the responsibility for both their good and their bad actions
rests ultimately with him. Again, whether business is handled well or
ill depends on the quality of the ministers. For both these reasons,
sovereigns have an obligation to employ honest and competent men
for the state's offices, and to inquire from time to time into their
actions, and to reward or punish them according to their handling of
affairs. Thus the rest of the people will understand that public affairs
are to be treated with no less sincerity and diligence than their own
private affairs. Similarly, wicked men are attracted to commit crimes
by the hope of avoiding punishment, and their hope is liveliest when
judges are open to corruption. Consequently, it is the duty of
sovereigns to impose severe punishment on such judges; they encour-
age crime which destroys the citizens' security. Finally, although the
handling of business should be left to ministers, sovereigns should
never refuse to lend a patient ear to the complaints and petitions of
the citizens.

10. The only ground on which citizens must bear taxes and other
burdens is so far as these are necessary to meet the state's expenses in
times of war and peace. It is therefore the duty of sovereigns in this
matter not to extract more than the necessities or major interests of
the country require; and to keep the burdens as light as possible, so
that the citizens suffer as little as possible. Then they must ensure
that taxes are assessed fairly and proportionately, and that immunities
are not granted to some part of the citizens to defraud and exploit the
rest. What is collected must be spent on the state's requirements, not
squandered in extravagance, largesse, unnecessary ostentation or
frivolity. Finally, one must ensure that expenditures correspond with
revenues; when revenues fall short, the solution must be found in
economy and retrenchment of unnecessary expenses.

11. Sovereigns are not obliged to maintain their subjects, though,
exceptionally, charity requires them to take particular care of those
who cannot support themselves because of some undeserved mis-
fortune. Nevertheless, sovereigns must not merely collect from the
citizens' property the funds necessary for the preservation of the state.
For the strength of the state consists also in the virtue and wealth of
the citizens, and therefore the sovereign must take whatever measures
he can to ensure the growth of the citizens' personal prosperity. A step in this direction is to develop in the citizens the attitude that they should draw a rich harvest from the land and its waters; that they should apply their industry to their country's natural resources, not purchasing from others the labour which they can well perform themselves; and to achieve this, sovereigns must encourage technical skills. It is also supremely important to promote trade and encourage navigation in the coastal districts. Idleness has to be banished; and the citizens recalled to habits of economy by sumptuary laws which prohibit excessive expenditures, especially those by which the citizens' wealth is transferred abroad. Here the example set by sovereigns is more effective than any law.

12. The internal health and stability of states results from the union of the citizens, and the more perfect it is, the more effectively the force of government will pervade the whole body of the state. It is therefore the sovereign's task to ensure that factions do not arise; to prevent citizens from forming associations by private agreements; to ensure that neither all nor some have a greater dependence on any other person whether within or without the state, under whatever guise, sacred or profane, than on their own prince, and that they believe they have more protection for themselves from him than from anyone else.

13. Finally, the relation of states to each other is a somewhat precarious peace. It is therefore a duty of sovereigns to take measures to develop military virtue and skill with weapons in the citizens, and to make ready in good time all that is required for repelling force: fortified places, weapons, soldiers and - the sinews of action - money. But one should not take the initiative in aggression even with a just cause for war, unless a perfectly safe opportunity occurs and the country's condition can easily bear it. To the same end one must obtain accurate intelligence of the plans and projects of one's neighbours, and use prudence in contracting friendships and alliances.

1. It remains to discern the specific functions of sovereign power and their noteworthy features. Most important here are the civil laws, which are the decrees of the sovereign civil authority [summi imperantis civilis], which enjoin upon the citizens what they should do or not do in civil life.

2. There are two particular senses in which the word 'civil' is applied to law: with respect to authority and with respect to origin. In the former sense, all laws are called civil which are the bases for the giving of justice in the civil courts, whatever their origin. In the latter sense, those laws are called civil which proceed from the will of the sovereign and deal with matters which are undefined by natural and divine law but deeply affect the private interests of individual citizens.

3. Though nothing should be regulated by the authority of the civil laws unless it has a bearing on the public interest, it is of the highest importance for the dignity and peace of civil life that citizens should properly observe the natural law, and therefore it is a duty of sovereigns to lend it the force and effectiveness of civil law. For there is so much wickedness in the greater part of mankind that neither the obvious benefits of natural law nor fear of divine power is adequate to check it. The sovereign, therefore, may ensure preservation of the moral integrity of civil life by lending to natural laws the force of the civil laws.

4. The force of the civil laws consists in the addition of a penal sanction to precepts to do or not to do, or in defining the penalty in the courts that awaits one who has done what he ought not or not done what he ought. Violations of natural law which have no penal